

**ENTERED**

May 22, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DIOGU KALU DIOGU	§	CIVIL ACTION NO
II LLM a/n/f DKDIII	§	4:24-cv-03590
and NMKD,	§	
Plaintiffs,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
HON. KP GEORGE,	§	
<i>et al</i> ,	§	
Defendants.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

Plaintiff Diogu Kalu Diogu proceeds here *pro se*. He filed a complaint against Defendants Honorable KP George, Charles G. Norvell, James A. Eleckel, John D. Melancon, and John/Jane Does 1–20, all in their individual and official capacities. Dkt 17 (second amended complaint). Given the context of his complaint, it is also construed to be against Fort Bend County. And it is noted that Plaintiff brought action against Defendant Southwest International Trucks, Inc, which was later dismissed. Dkt 32.

Plaintiff alleges claims under 42 USC §1983, including (i) excessive force as to his handcuffing, (ii) malicious prosecution and violation of substantive due process, (iii) unlawful search, seizure, and excessive force, (iv) conspiracy to violate civil rights, (v) a *Monell* claim against Fort Bend County for an unconstitutional policy, custom, or practice, and (vi) a failure to train and supervise law enforcement. Id at ¶¶60–94. He also requests injunctive and declaratory relief. Id at ¶¶95–101.

The matter was referred to Magistrate Judge Peter Bray. Dkt 13. He issued a lengthy Memorandum and Recommendation on May 2, 2025. Dkt 43. He recommends that the various motions by Defendants to dismiss be granted, and that the claims against them be dismissed. See Dkts 20 (Norvell), 31 (Eleckel & Melancon), & 33 (George). He also recommends that the John/Jane Doe Defendants be dismissed for similar reasons. No objection was filed.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

No clear error appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 43.

The motions to dismiss by Defendants Charles G. Norvell, James A. Eleckel and John D. Melancon, and KP George are GRANTED. Dkts 20, 31 & 33.

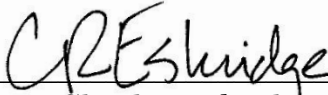
The claims against Norvell, George, and Fort Bend County are DISMISSED WITH PREJUDICE.

The claims against Eleckel and Melancon are DISMISSED WITHOUT PREJUDICE.

A final judgment dismissing this action will enter separately.

SO ORDERED.

Signed on May 19, 2025, at Houston, Texas.

  
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Hon. Charles Eskridge  
United States District Judge